

# Wetlands Bureau Decision Report

Decisions Taken  
12/20/2004 to 12/26/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**1999-02571                      OLDHAM, J DONALD**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Request to amend permit to allow for 2 tie off pilings.

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### Conservation Commission/Staff Comments:

Moultonborough CC concerned with setback to north abutter and length of frontage.

### APPROVE AMENDMENT:

Amend permit to read: Remove an existing 6 ft x 50 ft seasonal pier. Fill 750 sq ft of lake bed to construct a 50 ft breakwater parallel to the shoreline, with a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 40 ft 6 in walkway in an "F" configuration and drive 2 tie off pilings on 100 feet of frontage on Long Island, Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans dated June 14, 2000, revised September 17, 2004, and received by the Department on November 4, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The breakwater shall have an irregular face to dissipate wave energy.
13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. The tie-off pilings shall located be no further than 11 ft 11 in from the 4 ft x 30 ft finger pier.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on June 9, 2000, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on June 9, 2000 found no obvious evidence of sand migration along this shoreline.

8. Documentation that the easement has been removed from the frontage was received by the Wetlands Bureau on May 24, 2004.

-Send to Governor and Executive Council-

**2004-00759                      ROOS, GERALDINE**  
**JACKSON   Unnamed Wetland**

Requested Action:

Dredge and fill a revised total of 10,288 sq. ft. of scrub/shrub/emergent wetlands including the following: 1,222 sq. ft. of impact to install a 24" x 30' culvert for a driveway crossing for a single 30+ acre residential lot; and 9,066 sq. ft. of impact to construct a pond.

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Conservation Commission/Staff Comments:

Inspected and filed a report.

Inspection Date: 05/20/2004 by Dori A Wiggin

APPROVE RECONSIDERATION:

Dredge and fill a revised total of 10,288 sq. ft. of scrub/shrub/emergent wetlands including the following: 1,222 sq. ft. of impact to install a 24" x 30' culvert for a driveway crossing for a single 30+ acre residential lot; and 9,066 sq. ft. of impact to construct a pond.

With Conditions:

1. All work shall be in accordance with revised plans by Natural Resource Consultants dated 11/22/04, as received by the Department on 11/29/04.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The driveway crossing component of this project is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building.
2. The pond component of this project is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 sq. ft. of wetlands impact, with no hydric A soils, and no stream into or out of the pond, no prime wetlands, or threatened or endangered species.
3. The applicant has reduced the total impact from 20,105 sq. ft. to 10,288 sq. ft. by eliminating the component of the project proposing stumping and regrading of wetlands to create a "viewscape" on the mountain slope.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this revised proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01292                      BAHRE ALTON PROPERTIES LLC**  
**ALTON    Unnamed Wetland**

Requested Action:

Dredge and fill 82,235 square feet of palustrine forested wetland for access and construction of a supermarket, associated parking, a restaurant and bank. Mitigate the proposed impacts by restoring 1285 square feet of forested wetland and placing 58.8 acres, 44.3 acres of wetland and 14.2 acres of upland into conservation easement, including reclamation of 25694 of upland.

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Conservation Commission/Staff Comments:

The Alton Conservation Commission supports the project and is willing to monitor the conservation easement.

APPROVE PERMIT:

Dredge and fill 82,235 square feet of palustrine forested wetland for access and construction of a supermarket, associated parking, a restaurant and bank. Mitigate the proposed impacts by restoring 1285 square feet of forested wetland and placing 58.8 acres, 44.3 acres of wetland and 14.2 acres of upland into conservation easement, including reclamation of 25694 of upland.

With Conditions:

1. All work shall be in accordance with plans by Golde Planning and Design dated June 9, 2004, and revised through October 8, 2004, as received by the Department on October 7, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies these lots shall contain condition #2 of this approval.
4. This permit is contingent on approval by the DES Site Specific Program.
5. This permit is contingent upon the issuance of a NH Department of Transportation driveway permit.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. The applicant shall notify in writing the DES Wetlands Bureau, and the Alton Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
8. Work shall be done during low water and no work shall occur in flowing water.
9. Construction equipment shall not be located within jurisdictional areas.
10. Spoils may not be temporarily sidecast into jurisdictional areas even if they are currently under dry conditions.
11. Construction shall be monitored by an environmental inspector (i.e., qualified wetland professional, or erosion control specialist) to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization. The Wetlands Bureau shall be notified in writing of the environmental inspector prior to the start of work and if there is a change of status during the project.
12. Weekly monitoring reports prepared by the environmental inspector shall be submitted to the DES Wetlands Bureau.
13. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
14. Orange construction fencing shall be placed along wetland boundaries or along the local wetland buffer to prevent accidental encroachment on wetlands or locally protected upland areas.
15. Appropriate siltation/erosion/turbidity controls shall be in place prior to clearing, shall be maintained during construction, and shall remain until the area is stabilized.
16. Any clearing required shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
17. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench dewatering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
18. Mulch within the wetland areas shall be straw. Hay shall not be used.
19. Fertilizers and lyme shall not be used within wetland jurisdiction.

20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 3 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 3 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. Silt fencing must be removed once the area is stabilized.

Mitigation:

26. This permit is contingent upon the restoration of 1285 square feet of wetlands in accordance with plans received.
27. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
28. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
29. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
30. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
31. The Environmental Inspector, designated by the permittee, shall be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
32. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
33. The Environmental Inspector, will be responsible for post-construction monitoring and ensuring that the impact areas are restored in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
34. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
35. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
36. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
37. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
38. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
39. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
40. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

41. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
42. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland preservation:

43. This permit is contingent upon the execution of a conservation easement on 58.5 acres as depicted on plans received October 7, 2004.
44. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
45. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
46. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
47. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
48. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
49. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
50. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) [and (c) for tidal projects], (EDIT as needed), Requirements for Application Evaluation, has been considered in the design of the project.
3. DES Staff conducted field inspections of the proposed project on August 18, 2004 and September 10, 2004. Field inspection determined the wetlands are forested wetlands and the applicant has limited impacts to those areas which are of lesser value and the wetland on the mitigation parcel is of higher functions, value and diversity.
4. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
5. The applicant has provided mitigation in accordance with Administrative Rules Chapter Wt 800.
6. The Alton Conservation Commission has no objections to the proposed project.
7. The Alton Planning Board supports the project as it approved the proposed project at the October 25, 2004, meeting.
8. The third point of access is a request of the town to improve traffic circulation in the area.
9. The applicant has demonstrated that the additional parking is required to support a viable business in a seasonal area such as this.

**MINOR IMPACT PROJECT**

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**2004-00969                      DECAMP BLAIS, ROSA & S.D. CAUFIELD**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Relocate an existing 3 slip docking facility and dredge 8 cu yd from 1,978 sq ft of lakebed to allow additional depth within boat slips on an average of 182 feet of frontage in Meredith Bay, Lake Winnepesaukee.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Relocate an existing 3 slip docking facility and dredge 8 cu yd from 1,978 sq ft of lakebed to allow additional depth within boat slips on an average of 182 feet of frontage in Meredith Bay, Lake Winnepesaukee.

**With Findings:**

1. A request for additional information dated July 30, 2004, was issued to the applicant and copied to agent of record, clearly identifying changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. On October 19, 2004 the Wetlands Bureau received a submittal from the applicant's agent in response the request for additional information. In the response, the agent for the applicant acknowledged that written consent from the abutters was required to complete the application and stated that it was being pursued.
4. The applicant's October 19, 2004 submittal was incomplete and did not include all of the required information, in particular, it did not contain written consent from the affected abutter.
5. As of November 27, 2004, 120 days after the Department's request, the Department had not received the outstanding information as required and therefore the application has been denied.

**2004-01284                      TIGGER REALTY LLC**  
**BARNSTEAD   Unnamed Wetland**

**Requested Action:**

Disturb 1272 square feet along 40 linear feet of Shingle Mill Brook for expansion of existing open bottom box culvert and fill 2484 square feet of man made isolated wetland for lot development.

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**Conservation Commission/Staff Comments:**

The conservation commission did not comment on the proposed project.

**APPROVE PERMIT:**

Disturb 1272 square feet along 40 linear feet of Shingle Mill Brook for expansion of existing open bottom box culvert and fill 2484 square feet of man made isolated wetland for lot development.

**With Conditions:**

1. All work shall be in accordance with plans by HTE Northeast Inc, sheet WP1 dated June 4, 2004 as received by the department on November 4, 2004, and sheet WP2 dated July 27, 2004, as received by the Department on November 4, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on construction of a 13,000 cubic foot wetland flood storage area with plantings in accordance with plans by HTE Northeast Inc sheet L1 dated June 10, 2004 and revised through October 27, 2004 and received by the department on November 4, 2004 and the narrative by Beaver Brook Environmental dated November 9, 2004 as received by the department on November 10, 2004.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
7. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

9. Work shall be done during low flow.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
19. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
23. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
24. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
26. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
28. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
29. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
30. Silt fencing must be removed once the area is stabilized.
31. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 11, 2004. Field inspection determined the wetlands are of limited function and value and are man made.



6. The proposed project will impact a man made wetland of low function and value.
7. The proposed project proposes to create 13,000 square feet of wetland for mitigation of the proposed impacts and for compensatory flood storage.
8. Compensatory mitigation is not required for this project but mitigation has been offered to offset the proposed impacts.
9. The size of the proposed creation mitigation area exceeds the ratios required by Chapter Wt 800 of the Wetlands Bureau Administrative Rules.
10. The proposed mitigation area proposes to have greater functions and values than those wetlands destroyed by the proposed project.
11. The plans as submitted conform to RSA 483-B the Shoreland Protection Act.
12. The applicant is proposing to replant and attempt to reestablish a vegetated buffer along the bank of the Suncook River.
13. The proposed project will cause 19,000 cubic feet of fill to be placed within the 100 year flood plain. The proposal will compensate for this loss with a 20,000 cubic feet of new flood storage area/wetland mitigation area.

**2004-01621                      SANCHEZ, CAROL**  
**DUNBARTON   Unnamed Wetland**

Requested Action:

Impact 9,000 square feet of palustrine scrub-shrub and emergent wetlands to construct a pond and install a dry hydrant.

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Conservation Commission/Staff Comments:

Conservation Commission recommends shifting the pond east of the proposed location, to minimize impacts to the existing wetlands complex.

NHF&G identified the existing wetland complex as a viable asset to local fauna, and recommends the pond be relocated.

Inspection Date: 09/22/2004 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Impact 9,000 square feet of palustrine scrub-shrub and emergent wetlands to construct a pond and install a dry hydrant.

With Conditions:

1. All work shall be in accordance with site plan by J.E. Belanger Land Surveying dated December 03, 2004, as received by the Department on December 6, 2004, pond construction detail plan by Joseph Urbani & Associates, dated October 26, 2004, as received by the Department on November 5, 2004, and dry hydrant details and specifications by the Town of Dunbarton, as received by the Department on November 9, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(e), alteration of less than 20,000 sq ft of wetlands to create a pond that does not meet the criteria of Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 22, 2004. Field inspection determined the proposed pond site is an isolated wetland complex suitable for the sustainability of wildlife.
6. Conservation Commission recommended shifting the pond east of the proposed location, to minimize impacts to the existing wetlands complex.
7. The NHF&G Department identified the wetlands in the area as a viable asset to local fauna, and recommends the pond be relocated.
8. The documentation of ledge east of the proposed pond site and a new house location do not justify shifting the pond site. Relocating the pond would require additional impacts to wetlands and associated uplands for access. Therefore, maintaining the proposed lot development minimizes impacts to the remaining wetlands and associated uplands and potentially eliminates the effects of fragmentation.
9. The Town of Dunbarton fire department supports the installation and maintenance of a dry hydrant in the rural setting. No sources for fire suppression presently exist in the vicinity.
10. The abutting land owner has provided written consent for the proposed work within 20 feet of the property line.

**2004-02659**

**LAKEVIEW FARM LLC**

**WINDHAM Unnamed Wetland**

**Requested Action:**

Fill approximately 8,700 square feet (approximately 825 linear feet) within a man-made, palustrine emergent drainage ditch to construct a 24-unit senior housing development within a 2-lot residential subdivision on approximately 19.01 acres. Fill approximately 700 square feet within a man-made drainage ditch to install two 24-inch x 32-foot culverts and construct a driveway to provide access to two units within the housing development. Create approximately 6,570 square feet (730 linear feet) of drainage ditch to maintain existing site drainage.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

In a letter to the NHDES Wetlands Bureau dated November 30, 2004 the Windham Conservation Commission expressed its support for the application.

**APPROVE PERMIT:**

Fill approximately 8,700 square feet (approximately 825 linear feet) within a man-made, palustrine emergent drainage ditch to construct a 24-unit senior housing development within a 2-lot residential subdivision on approximately 19.01 acres. Fill approximately 700 square feet within a man-made drainage ditch to install two 24-inch x 32-foot culverts and construct a driveway to provide access to two units within the housing development. Create approximately 6,570 square feet (730 linear feet) of drainage ditch to maintain existing site drainage.

**With Conditions:**

1. All work shall be in accordance with the Cover Plan (Sheet 2 of 19), the Site Plan/Landscape Plan (Sheets 3 & 4 of 19), the Topographic Site Plan (Sheets 7 & 8 of 19), the Plan & Profiles (Sheets 9 - 11 of 19) and the Construction Details (Sheets 15 - 18 of 19) by Benchmark Engineering, Inc. dated August 17, 2004, as received by the Department on November 1, 2004.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.

7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Windham Conservation Commission of the date project construction is proposed to begin.
9. Creation of approximately 6,570 square feet (730 linear feet) of drainage ditch on-site shall occur prior to any other disturbance within the Department's jurisdiction.
10. Work shall be conducted during low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as it involves less than 20,000 square feet of alteration in nontidal wetlands.
2. The project will disturb two man-made drainage ditches that provide limited functions and values.
3. The applicant will create approximately 6,570 square feet (730 linear feet) of drainage ditch to maintain existing site drainage.
4. In a letter to the NHDES Wetlands Bureau dated November 30, 2004 the Windham Conservation Commission expressed its support for the application.
5. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
6. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2004-02717                      DANBY, CRAIG**  
**DEERING   Unnamed Wetland**

Requested Action:

Dredge and fill 3,005 square feet of palustrine forested wetlands to provide access to a single family residence. The work includes two crossings with three culverts to be installed.

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Conservation Commission/Staff Comments:

Project exceeds the criteria for expedited review and is therefore classified as a minor impact project.

No comments submitted from the conservation commission.

**APPROVE PERMIT:**

Dredge and fill 3,005 square feet of palustrine forested wetlands to provide access to a single family residence. The work includes two crossings with three culverts to be installed.

**With Conditions:**

1. All work shall be in accordance with plans by Abenaki Environmental dated October 22, 2004, as received by the Department on December 6, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. No fill shall be done for lot development.
5. Work shall be done during low flow.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2003-02240                      AYER, DANIEL**  
**DOVER   Cocheco River**

**Requested Action:**

Dredge and fill 1,438 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing of a seasonal stream to access a 27 acre parcel of land for a proposed residential subdivision.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The Dover Conservation Commission voted unanimously to endorse the application.

Inspection Date: 10/18/2004 by Frank D Richardson

Inspection Date: 11/13/2003 by Christina Altimari

**APPROVE PERMIT:**

Dredge and fill 1,438 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a roadway/ culvert crossing of a seasonal stream to access a 27 acre parcel of land for a proposed residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by David J. Allain, CSS, CWS d/b/a Round Pond Soil Survey dated March 2003, as received by the Department on October 02, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Work shall be done during low flow.

**2004-01485                      SAGER, ROBERT**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Dredge and fill 2780 square feet of forested wetland for home and garage construction.

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Conservation Commission/Staff Comments:

The conservation commission does not recommend granting an approval as the proposed impacts are for lot development.

DENY PERMIT:

Dredge and fill 2780 square feet of forested wetland for home and garage construction.

With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On July 1, 2004, DES Wetlands received a Standard Dredge and Fill Application that proposed to fill 2,910 square feet of forested wetland. The application stated that the project is needed to provide driveway access and a suitable building site for a home and garage on a residential lot.
8. In a letter dated July 14, 2004, The Wolfboro Conservation Commission stated that they oppose the granting of the permit.
9. On August 27, 2004, DES issued a Request for More Information suggesting a less impacting alternative.
10. On November 18, 2004, DES staff met with the agent and the property owner and discussed the lesser impacting alternative.
11. On December 6, 2004, the applicant submitted additional information reducing the impact to 2780 square feet but also provided an alternative impacting only 1400 square feet.

Findings in Support of Denial:

12. The applicant failed to provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
13. The project is therefore denied per Rule Wt 302.04(d)(1) as there are practical alternatives that would have a less adverse impact on the area under the department's jurisdiction.
14. The project is denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a forested wetland.
15. The project is denied per Rule Wt 302.04(d)(5) as the requirements of Wt 302.03 were not met and the applicant failed to document factors as required in Wt 302.04(b).
16. The proposed project is not consistent with the findings of public purpose set forth by RSA 482-A:1, and therefore is denied.

**2004-02337                      REID, MICHAEL & WINNIE**  
**NEW HAMPTON   Lake Winona**

Requested Action:

Repair an existing 25 linear ft wall in-kind, replace existing steps in-kind, install 3 ft wide steps accessing the water and install a 4 ft x 15 ft seasonal dock on an average of 45 ft of frontage on Lake Winona, New Hampton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Repair an existing 25 linear ft wall in-kind, replace existing steps in-kind, install 3 ft wide steps accessing the water and install a 4 ft x 15 ft seasonal dock on an average of 45 ft of frontage on Lake Winona, New Hampton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 4, 2004, revised on December 21, 2004, as received by the Department on December 23, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Repair shall maintain existing size, location and configuration.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
9. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
10. Seasonal pier shall be removed from the lake for the non-boating season.
11. No portion of the pier shall extend more than 15 feet from the shoreline at full lake elevation.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-02526                      NH FISH & GAME DEPARTMENT**  
**NEW DURHAM   Merrymeeting River**

Requested Action:

Place 7 cubic yards of Rip-Rap impacting 130 square feet of the bed and banks of the Merrymeeting River for scour protection at existing culvert outlet.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission did not comment on the application.

APPROVE PERMIT:

Place 7 cubic yards of Rip-Rap impacting 130 square feet of the bed and banks of the Merrymeeting River for scour protection at existing culvert outlet.

With Conditions:

1. All work shall be in accordance with plans by NH Fish and Game Dept, as received by the Department on October 14, 2004.
2. This permit is contingent on compliance with NPDES Permit #NH0000710.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching or netting and pinning on slopes steeper than 3:1.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed impact is decreasing the number of discharge points to The Merrymeeting River.
6. The proposed impact is improving upon an existing situation.
7. The discharge points are existing and are permitted under NHDES permit NH0000710.

**2004-02558                      SLINKOWSKI, ETHEL**  
**CHARLESTOWN   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,267 square feet of palustrine forested wetlands to provide access to one lot of a 2-Lot subdivision.

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Conservation Commission/Staff Comments:

No comments submitted from the local conservation commission.

**APPROVE PERMIT:**

Dredge and fill approximately 2,267 square feet of palustrine forested wetlands to provide access to one lot of a 2-Lot subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by Landmark Land Services, Inc.; wetland impact plan dated October 2004, as received by the Department on October 22, 2004, and subdivision plan dated November 30, 2004, as received by the Department on December 6, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low or non flow conditions.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02560                      NH DEPT OF TRANSPORTATION  
PLAISTOW   Seaver Brook**

**Requested Action:**

Repair spalled concrete inlet and outlet of an arch culvert impacting 244 sq. ft. of stream and bank (169 sq. ft. temporary).

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**APPROVE PERMIT:**

Repair spalled concrete inlet and outlet of an arch culvert impacting 244 sq. ft. of stream and bank (169 sq. ft. temporary). NHDOT project #M611-1.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT District 6, as received by the Department on October 22, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.



6. Work shall be done during low flow.

**2004-02687 MORIN, NORMAN**  
**MEREDITH Unnamed Wetland**

Requested Action:

Fill 650 square feet of man made wetland and drainage ditch for commercial lot reconfiguration and remove existing invasive species and replant with native vegetation.

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Conservation Commission/Staff Comments:

The conservation commission supports the proposed application.

Inspection Date: 07/07/2004 by Jocelyn S Degler

APPROVE PERMIT:

Fill 650 square feet of man made wetland and drainage ditch for commercial lot reconfiguration and remove existing invasive species and replant with native vegetation.

With Conditions:

1. All work shall be in accordance with plans by Associated Surveyors dated August 9, 2004, as received by the Department on November 3, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the removal and disposal of the invasive species and replanting of native species is in accordance with the guidelines set by the Department of Agriculture. Follow up reports shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
4. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f)p projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a site inspection of the proposed project location on July 7, 2004. Site inspection determined the wetlands

had been altered in the past and had been taken over by invasive species the primary function was storm water detention, with limited nutrient and sediment attenuation due lack of vegetation in the channel and invasive species on the banks.

6. The proposed project is the redevelopment of an existing commercial lot.
7. The wetlands are of low function and value.
8. The surrounding community will be improved with the installation of native species and the removal of the invasives.
9. The local conservation commission supports the proposed project.

**2004-02688                      WHITTIER, DOROTHY**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Fill 2980 square feet for driveway and home construction.

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Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission does not recommend approval of this application.

DENY PERMIT:

Fill 2980 square feet for driveway and home construction.

With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On November 4, 2004, DES Wetlands received a Standard Dredge and Fill Application that proposed to fill 2,980 square feet of forested wetland. The application stated that the project is needed to provide driveway access and a suitable building site for a home on a residential lot.
8. In a letter dated November 11, 2004, The Wolfeboro Conservation Commission stated that they oppose the granting of the permit.

Findings in Support of Denial:

9. The project is denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a forested wetland.
10. The project is denied per Rule Wt 302.04(d)(5) as the requirements of Wt 302.03 were not met and the applicant failed to document factors as required in Wt 302.04(b).
11. The proposed project is not consistent with the findings of public purpose set forth by RSA 482-A:1, and therefore is denied.

**EXPEDITED MINIMUM**

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**2004-02633                      NH DEPT OF TRANSPORTATION  
CANTERBURY   Unnamed Stream**

Requested Action:

Replace failing rock headwalls with concrete headwalls at inlet and outlet impacting 800 sq. ft. of bank, stream and pond (600 sq. ft. temporary).

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APPROVE PERMIT:

Replace failing rock headwalls with concrete headwalls at inlet and outlet impacting 800 sq. ft. of bank, stream and pond (600 sq. ft. temporary). NHDOT project #M316-3.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 3 dated 11/05/03, as received by the Department on October 29, 2004.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.

**2004-02668                      EXETER PARKS & RECREATION, TOWN OF EXETER  
EXETER   Squamscott River**

Requested Action:

Impact approximately 180 square feet within the 100-foot Tidal Buffer Zone to repair an existing boat ramp on the Squamscott River.

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Conservation Commission/Staff Comments:

The Exeter conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact approximately 180 square feet within the 100-foot Tidal Buffer Zone to repair an existing boat ramp on the Squamscott River.

With Conditions:

1. All work shall be in accordance with plans by Jennifer Perry dated September 2004, as received by the Department on November 3, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during low tide.
5. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be

maintained during construction, and shall remain until the area is stabilized.

6. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Squamscott River.

7. Area shall be regraded to original contours following completion of work.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04((v) Maintenance, repair, and replacement in-kind of existing docking structures such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The NHNH sent a memo dated November 8, 2004 with record of the following two rare species nearby the proposed project site: Climbing Hempweed (*Mikania scandens*) and Stout Bulrush (*Scripus robustus*).

6. The Department finds that the two above mentioned plant communities will not be impact because they are to the north and south of the site respectively.

PERMIT BY NOTIFICATION

\*\*\*\*\*

**2004-01021 GOOLGASIAN, DAVID**  
**FREEDOM Unnamed Stream**

Requested Action:

PBN#1, Fill approximately 357 square feet within the bed and banks of an intermittent stream to install a 15-inch culvert for access to a single family residential lot of approximately 0.6 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Freedom Conservation Commission DID NOT sign the PBN.

PBN IS COMPLETE:

PBN#1, Fill approximately 357 square feet within the bed and banks of an intermittent stream to install a 15-inch culvert for access to a single family residential lot of approximately 0.6 acres.

**2004-02884 DEW DROP FARMS LLC, EROL DUYMAZLAR**  
**CENTER HARBOR Lake Winnepesaukee**

Requested Action:

In accordance with 482-A:11V, this application and proposed impacts will be consolidated with Wetlands Bureau File No. 2004-2729.

\*\*\*\*\*

PBN DISQUALIFIED:

In accordance with 482-A:11V, this application and proposed impacts will be consolidated with Wetlands Bureau File No. 2004-2729.

**2004-02985                      WILSON, ROBERT & CATARINA**  
**WILMOT   Unnamed Wetland**

Requested Action:

PBN#1, Fill approximately 150 square feet within the bed and banks of an intermittent stream to install a 24-inch by 30-foot culvert for access to a single family residential lot on approximately 8.8 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Wilmot Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#1, Fill approximately 150 square feet within the bed and banks of an intermittent stream to install a 24-inch by 30-foot culvert for access to a single family residential lot on approximately 8.8 acres.

**2004-03009                      ROCKE, GARY**  
**NEWPORT   Ditch**

Requested Action:

Fill approximately 2,900 of scrub-shrub wetland for lot development for a single family residential lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Newport Conservation Commission signed the PBN.

PBN DISQUALIFIED:

PBN cannot be used for lot development.